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MEMO ENDORSED.

Application **GRANTED**.

SO ORDERED.

August 15, 2024



VIA ECF

Ona T. Wang Aug. 20, 2024
U.S.M.J.

Hon. Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 20D
New York, NY 10007

Re: *Borjas v. N.Y.C. Dep't of Education* (Case No. 23-CV-10829) –
Unopposed Letter Motion to Set Filing Deadline for Second Amended Complaint and
to Extend Time for Defendants' Answers

Dear Judge Wang:

Plaintiff Stacy A. Borjas, through her undersigned *pro bono* counsel, respectfully requests that the Court set October 6, 2024, as the filing deadline for Plaintiff's forthcoming Second Amended Complaint ("SAC") and correspondingly extend the filing deadline for Defendants' answers from September 23, 2024,¹ to November 22, 2024.² Plaintiff will file this SAC pursuant to Federal Rule of Civil Procedure 15(a)(2), which provides, in relevant part, that

¹ The Court set this date, ECF No. 19, pursuant to Defendant NYCDOE's first request for an extension of time for Defendants to file their answers, ECF No. 18.

² Plaintiff filed an original Complaint on December 13, 2023, ECF No. 1, and a (First) Amended Complaint on April 2, 2024, ECF No. 10. On May 29, 2024, Plaintiff requested a first extension of time to serve Defendants Perez, Garcia, and Rosado from June 3, 2024, to September 1, 2024, ECF No. 16, which the Court granted on Jun 7, 2024, ECF No. 19. Plaintiff retained the undersigned counsel in early August 2024. ECF Nos. 22-24. This is therefore Plaintiff's second overall request for an extension of any kind in this matter but Plaintiff's first request for an extension concerning Plaintiff's SAC and Defendants' answers as well as Plaintiff's first request for an extension since she retained counsel.

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SEATTLE | SHANGHAI | SILICON VALLEY | SINGAPORE | STUTTGART | SYDNEY | TOKYO | WASHINGTON, DC | WILMINGTON | ZURICH

“a party may amend its pleading . . . with the opposing party's written consent” Fed. R. Civ. P. 15(a)(2). The only opposing party that has appeared in this matter to date is Defendant the New York City Department of Education (“Defendant NYCDOE”), ECF No. 17, which provided such written consent by email on August 14, 2024, *see* Ex. #1. Defendant NYCDOE also consents to the timeline set forth in this request, namely that the Court set October 6, 2024, as the filing deadline for the SAC and November 22, 2024, as the deadline for Defendants’ responses. *See* Ex. #1.

Respectfully submitted,

/s/ Nicolas G. Keller
Nicolas G. Keller

NK